



NEW YORK  
REGIONAL OFFICE

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400  
NEW YORK, NY 10281-1022

August 17, 2021

**By ECF**

Hon. William F. Kuntz, II  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Securities and Exchange Commission v. Seagal*, 1:21-mc-01797-WFK

Dear Judge Kuntz:

Counsel for the Securities and Exchange Commission ("Commission") writes to respectfully request that the Court enter Judgment against Defendant Seagal ("Seagal"). DE 1-2. As described below, the Commission served Seagal's business manager, Alan Tivoli ("Tivoli"), as ordered. DE 8. In addition, Seagal knows about his obligation to the Commission as he settled and made partial payment. The Commission now seeks a Judgment to help collect the remaining amount Seagal owes.

As background, the Commission filed an Order to Show Cause seeking to convert a Commission order to a Judgment so that it can collect the outstanding disgorgement, prejudgment interest, penalties and accruing postjudgment interest of over \$200,000 that Seagal owes. The Commission requested that the Court grant substitute service because Seagal resides in Russia and Seagal's former counsel had conveyed Seagal could be reached through his business manager, Alan Tivoli. The Court granted the Commission's request and, on July 16, Mr. Tivoli was personally served with the Order to Show Cause. DE 8. The Court ordered Seagal to serve and file any opposing papers by 5:00 P.M. on Friday, August 6, 2021. DE 7.

After being served, Mr. Tivoli contacted Commission counsel as to why he received service. Ex. 1. Commission counsel explained that "when Mr. Seagal's attorney ended his representation he instructed the SEC team to send letters and communications to you. Accordingly, the Commission asked that the Court allow us to serve you, as Mr. Seagal's agent, with the Order to Show Cause you received. Since the Court ordered service in accordance with Federal Rule of Civil Procedure 4, you were served personally." Ex. 2. Mr. Tivoli advised that his "communication with Mr. Seagal at this time is my lawyer talking to his lawyer while we finish our settlement agreement with mutual releases. I will ask my attorney if this is something I should bring up to Mr,

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[sic] Seagal.” *Id.* Although Commission counsel followed up with Mr. Tivoli to confirm that he provided the papers to Seagal and to inquire whether Seagal plans to make payment, respond to the Order to Show Cause, or consent to the Judgment, Mr. Tivoli has not responded. Ex. 3.

Seagal has filed no opposition to the Order to Show Cause. The deadline to do so passed on August 6. The Court’s Order stated that “if Seagal fails to file answering papers and/or appear, the Court may find such party in default and enter an appropriate order against such party at such time without further notice being given.” DE 7. Thus, Commission counsel respectfully requests that the Court enter the proposed Judgment, permitting service of this letter and the Judgment, by email, on Tivoli. DE 1-2.

If the hearing will proceed, Commission counsel asks the Court to clarify whether it will be telephonic or in person.

Respectfully submitted,  
*s/Maureen Peyton King*